

FRANK PALLONE, JR., NEW JERSEY

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ONE HUNDRED SIXTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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Majority (202) 225-2927
Minority (202) 225-3641

January 29, 2019

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington DC 20004

Dear Acting Administrator Wheeler:

Pursuant to Rules X and XI of the U.S. House of Representatives, we write again to request additional information regarding actions by Environmental Protection Agency (EPA) political appointees to block the release of a chemical hazard study focused on perfluorinated compounds (PFAS). EPA documents released appear to show that political appointees engaged with political staff at the White House to impede plans by the Agency for Toxic Substances and Disease Registry (ATSDR) to release an assessment of PFAS. We are deeply concerned that these actions appear to indicate that politics, and potentially industry interests, are being placed before public health, particularly in light of reports that EPA has decided to not set a drinking water limit for several toxic chemicals.

On May 21, 2018, we wrote to your predecessor, Scott Pruitt, and requested documents and information to understand the role of EPA political appointees in blocking the chemical hazard study. To date, EPA has failed to provide documents requested and has otherwise failed to substantively respond to our request. We, therefore, reiterate our request.

PFAS are a class of industrial chemicals that the Department of Defense (DOD) has used in firefighting exercises and by industry in the production of Teflon and Scotchguard, among other products.¹ The levels of these chemicals EPA has previously considered safe have been

¹ Environmental Protection Agency, Understanding PFAS in the Environment (Feb. 26, 2018) (www.epa.gov/scincematters/understanding-pfas-environment).

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widely criticized.² These chemicals are persistent and toxic. EPA has found risks from these chemicals including cancer, immune effects, liver effects, and birth defects.³

Former Administrator Scott Pruitt testified before Congress that he was “not aware that there had been some holding back of the report.”⁴ However, several top EPA political appointees, including your Chief of Staff Ryan Jackson, Dr. Nancy Beck, and Dr. Richard Yamada, appear to have participated in the effort.⁵ An email chain released through a Freedom of Information Act request suggests the effort began because the draft assessment by ATSDR found Minimal Risk Levels for several PFAS at levels much lower than EPA’s health advisory. In particular, a January 30, 2018 email states, in part: “[t]he public, media, and Congressional reaction to these new numbers is going to be huge. The impact to EPA and DOD is going to be extremely painful. We (DOD and EPA) cannot seem to get ATSDR to realize the potential public relations nightmare this is going to be.”⁶

The impacts of ATSDR’s assessment could also be significant for several chemical companies with responsibility for sites contaminated with PFAS, primarily DuPont, Chemours, and 3M. That is why we are concerned by an entry from Dr. Yamada’s calendar for the day after the email exchange cited above. On January 31, 2018 at 1 pm, it appears that Dr. Yamada attended a meeting entitled “ACC Cross-Agency PFAS Effort.”⁷ This could indicate that Dr. Yamada, and potentially other EPA political appointees, were meeting with outside stakeholders from the American Chemistry Council (ACC) to discuss the interagency process related to PFAS, and possibly their efforts to suppress the ATSDR assessment.

Prior to joining EPA, Dr. Beck worked at the ACC, a trade association representing the chemical industry and, according to EPA ethics officials, she had a covered relationship with the ACC under impartiality standards until April 21, 2018.⁸ Pursuant to the waiver provided Dr.

² New Jersey Drinking Water Quality Institute – Health Effects Subcommittee, *Health-Based Maximum Contaminant Level Support Document: Perfluorooctane Sulfonate* (Nov. 15, 2017) (www.nj.gov/dep/watersupply/pdf/dwqi-pfos-mcl-draft.pdf).

³ Environmental Protection Agency, Fact Sheet: PFOA and PFOS Drinking Water Health Advisories (Nov. 2016).

⁴ *Pruitt Says he was Unaware of Interference with HHS Chemical Study*, Politico (May 16, 2018) (subscriber.politicopro.com/energy/article/2018/05/pruitt-says-he-was-unaware-of-interference-with-hhs-chemical-study-1230991).

⁵ E-mail from Dr. Richard Yamada to Nancy beck, Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency (Jan. 30, 2018) (subscriber.politicopro.com/f/?id=00000163-5740-d92c-a17f-ffd412b90001).

⁶ *Id.*

⁷ Dr. Richard Yamada Calendar (Jan. 2018).

⁸ Memorandum from Kevin S. Minoli, Designated Agency Ethics Official and Principal Deputy General Counsel, to Nancy Beck, Ph. D., DABT, Deputy Assistant Administrator, Office

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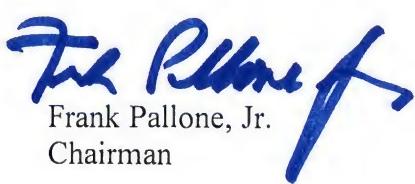
Beck by EPA ethics officials, during this period she could not participate in any specific party matter involving ACC absent approval from EPA's Office of General Counsel.⁹

In order to more fully understand whether communications between EPA political appointees and chemical industry stakeholders were in compliance with all applicable ethics regulations and waivers, we request EPA provide the following documents and information:

1. Please provide all email communications between Ryan Jackson, Dr. Richard Yamada, and Dr. Nancy Beck and any employee or representative of the American Chemistry Council, DuPont, Chemours, and 3M from January 20, 2017 to present.
2. Please provide a list of all meetings, including teleconferences, with representatives or employees of the American Chemistry Council, DuPont, Chemours, and 3M, in which Ryan Jackson, Dr. Richard Yamada, or Dr. Nancy Beck participated. For each meeting, provide a list of participants including name, title, and organizational affiliation, as well as the meeting date, time, location, agenda, and description of issues discussed.
3. Please provide any guidance from EPA's ethics officials authorizing Dr. Beck's participation in matters affecting the ACC, including but not limited to Dr. Beck's potential participation in the January 31, 2018 meeting with the ACC on cross-agency PFAS issues.
4. Please provide the name, title, and organizational affiliation of the individual who requested the January 31, 2018 meeting with the ACC on cross-agency PFAS issues.

Please provide all requested information and documents no later than February 12, 2019. If you have any questions, please contact Jon Monger with the Committee staff at (202) 225-2927. Thank you for your attention to this matter.

Sincerely,



Frank Pallone, Jr.
Chairman



Diana DeGette
Chair
Subcommittee on Oversight
and Investigations

of Chemical Safety and Pollution Prevention, Impartiality Determination to Participate in Litigation Related to the TSCA Risk Evaluation Rule, TSCA Prioritization Rule, and TSCA Inventory Notification (Active-Inactive) Rule (Jan. 11, 2018).

⁹ *Id.*

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Paul D. Tonko

Chairman

Subcommittee on Environment
and Climate Change

Cc: The Honorable Greg Walden, Ranking Member
The Honorable Brett Guthrie Ranking Member, Subcommittee on Oversight and
Investigations
The Honorable John Shimkus, Ranking Member, Subcommittee on Environment and
Climate Change